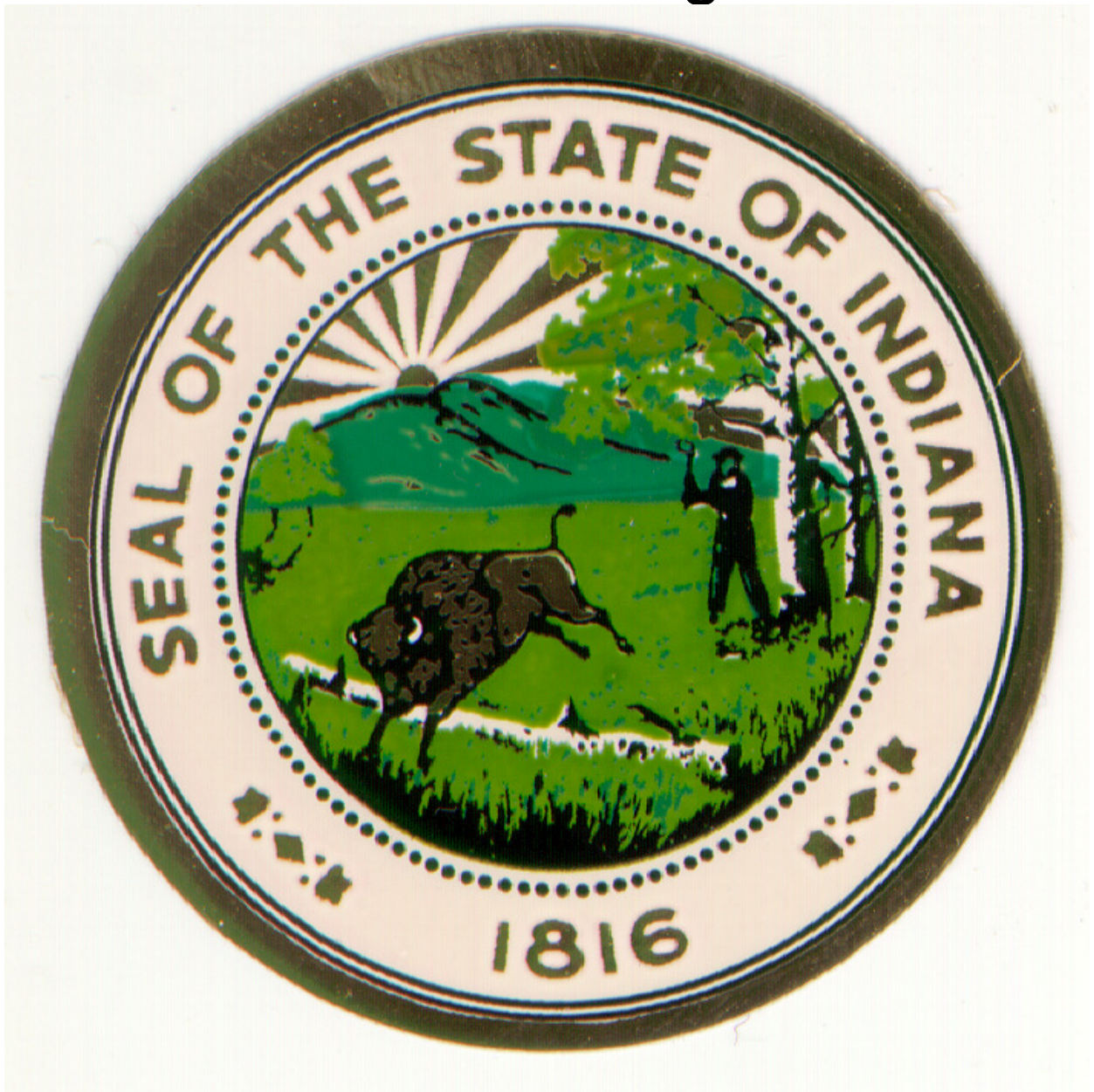


The State of Indiana Standard Hazard Mitigation Plan



Indiana Department of Homeland Security

2008 Edition

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| COVER PAGE | 1-i |
| TABLE OF CONTENTS | 1-ii |
| MISSION STATEMENT | 1-1 |
| EXECUTIVE SUMMARY | 1-2 |
| INTRODUCTION | 1-3 |
| 1.0 PREREQUISITES | |
| 1.1 Plan Adoption | 1-7 |
| 1.2 Compliance with Federal Laws and Regulations | 1-11 |
| 2.0 PLANNING PROCESS | |
| 2.0 Documentation of the Planning Process | 2-1 |
| 2.1 Plan Update Process - 2008 | 2-3 |
| 2.2 Coordination among Agencies and Integration with other Planning Efforts | 2-5 |
| 2.3 Coordination with Agencies through the Project Development Process | 2-7 |
| 2.4 Agency Coordination by Environmental Issue | 2-22 |
| 3.0 RISK ASSESSMENT | |
| 3.1 Identifying Hazards | 3-1 |
| 3.2 Profiling Hazard Events | 3-14 |
| 3.3 Assessing Vulnerability by Jurisdiction | 3-59 |
| 3.4 Assessing Vulnerability of State Facilities | 3-68 |
| 3.5 Estimating Potential Losses by Jurisdiction | 3-68 |
| 3.6 Estimating Potential Losses of State Facilities | 3-70 |
| 4.0 MITIGATION STRATEGY | |
| 4.1 Goals | 4-1 |
| 4.2 State and Local Capability Assessment | 4-9 |
| 4.3 Mitigation Measures/Funding Sources | 4-21 |
| 4.4 Implementation and Selection of Projects | 4-43 |
| 5.0 LOCAL MITIGATION PLANNING COORDINATION | |
| 5.1 Local Funding and Technical Assistance | 5-1 |
| 5.2 Local Plan Integration | 5-2 |
| 5.3 Prioritizing Local Assistance | 5-5 |
| 6.0 PLAN MAINTENANCE PROCEDURES | |
| 6.1 Monitoring, Evaluating, and Updating the Plan | 6-1 |
| 6.2 Monitoring Progress of Mitigation Activities | 6-3 |
| ANNEX | ANNEX |
| APPENDICES 1-6 | APPENDIX |

MISSION STATEMENT

Indiana, led by the Indiana Department of Homeland Security, in collaboration with citizens, government, and private entities, will achieve the common purpose of preventing, protecting against, responding to and recovering from man-made or natural threats and events to people, property, and the economy. – IDHS 2007 Annual Report

Mitigation Section Mission is to reduce and prevent the loss of life and property and protect our infrastructure and institutions from all natural and man-made hazards, by undertaking a comprehensive, risk-based emergency management program of mitigation.

EXECUTIVE SUMMARY

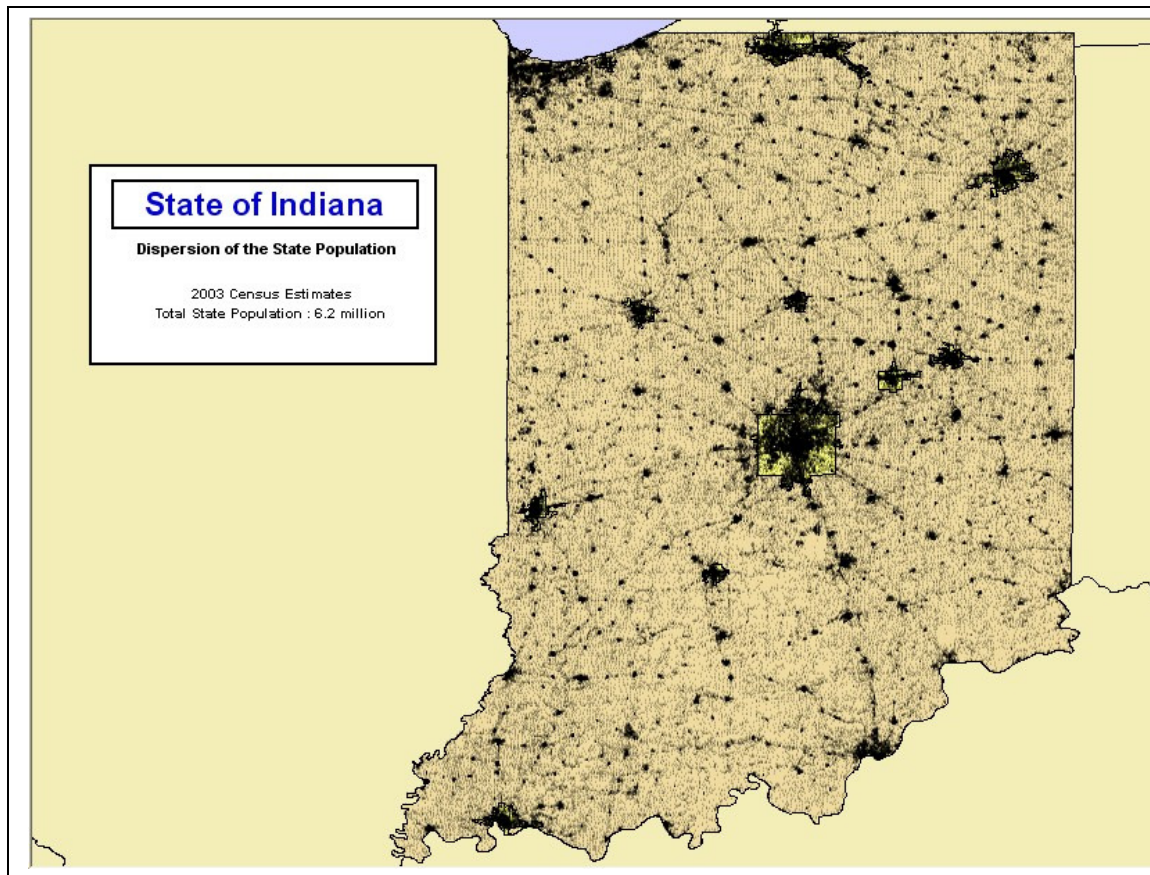
The Indiana Standard Hazard Mitigation Plan was developed keeping in mind that it will provide the base upon which to build the Enhanced State Mitigation Plan for Indiana. In order to provide this foundation the Standard Plan provides information and direction for evaluating the natural hazards that threaten Indiana, and selects the appropriate action to mitigate the risk from these hazards. The plan will serve to expedite post-disaster mitigation and the use of pre-disaster resources.

This plan is hazard specific, linking and relating mitigation opportunities to historically-demonstrated needs. Disaster histories and risk assessments are included to show the basis for the State's mitigation priorities. This plan focuses on procedures and strategies to identify mitigation opportunities and carry out mitigation actions. It serves as a guide for agencies and communities to develop mitigation programs and integrate hazard mitigation into their planning process. This plan encompasses mitigation opportunities, strategies, and actions needed at the local, state, and federal levels.

The mitigation strategies rely on working groups that bring together a broad range of government officials (e.g. building codes, planning and zoning, public works, emergency management, engineering, housing, transportation) and officials from such entities as utilities, school systems, water management districts, area businesses, insurance providers, land developers, and non-profit organizations. To assist these working groups, the Indiana Department of Homeland Security provides technical assistance in the form of training, workshops, and materials.

This hazard-based plan provides a logical framework for the presentation of the State's mitigation priorities, and is organized under each hazard, as follows:

- **Hazard Identification** defines and describes a hazard, including its magnitude and severity, probability and frequency, causative factors, and areas affected.
- **Risk Assessment** evaluated risk associated with a specific hazard and defines the risk in terms of probability and frequency of occurrence, magnitude and severity, exposure, and consequences.
- **Mitigation Goals and Projects** are plans and actions to reduce or eliminate long-term risk to people and property from the effects of natural hazards.



INTRODUCTION

During the decade of the nineties, the State was impacted by a wide variety of events, twelve of which resulted in Federal Disaster declarations. Since 2002 Indiana has received eleven presidentially declared disasters. The summer of 2003 saw two near record flooding events, which left hundreds without permanent homes. An early morning tornado tore through a sleeping mobile home park in Vanderburgh County and continued into Warrick County killing a total of 25 residents. Most recently near-record flooding occurred in early January 2008 in Northern Indiana affecting nearly 800 homes. These disasters have provided the inspiration for many communities to make changes in where they live and in the way they build their infrastructure and housing. Furthermore, these events have increased residents and communities' interest in reconsidering the use of the flood plain along Indiana's rivers and how we provide warning to those in immediate peril.

The Indiana Department of Homeland Security's (IDHS) Hazard Mitigation Section concentrates its focus on encouraging communities and state agencies to adopt sound mitigation principles and to provide tools that will help them to meet those goals. IDHS has partnered with several Indiana Educational institutions and federal agencies to conduct in-depth soil and flood analyses.

The results of these studies will be provided to the local officials to aid in their Mitigation planning efforts.

The Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), and the Pre-Disaster Mitigation (PDM) programs have provided the state, cities, towns, and counties of Indiana, tools to assist them in identifying, developing, and implementing projects that will further the State's efforts to build more disaster resistant communities. The resources of all these programs offer are only a starting point to aid communities in evaluating their risk, vulnerability, and resources in dealing with all hazards. The federal government added two additional programs to address the growing flood related losses; the Repetitive Flood Claim (RFC) and the Severe Repetitive Loss (SRL) grants. Although each is competitive and they address targeted properties, they provide additional federal funds as one is 100% federally funded and the other will fund up to 90% of the cost of acquisition.

The focus of the Indiana Department of Homeland Security is to provide the impetus to bring together emergency management professionals and related disciplines not only on the state and federal level, but also on the local levels. Forming these relationships, as evidenced by the Indiana Hazard Mitigation Council, is vital to the successful implementation of the projects outlined in this plan. Additionally, Indiana was the second state in the country to participate in a "Silver Jackets" program. This program takes the Mitigation Council and extends it to a federal level by adding members from the US Army Corps of Engineers, National Weather Service, US Geological Survey, Housing and Urban Development, Department of Energy and FEMA. This program addresses the need for a coordinated effort to launch these projects as well as to implement them.

State Hazard Mitigation Planning, as reflected in the projects detailed in this plan, fall into 4 major categories:

- **Risk Identification, Assessment, & Priorities** – In coordination with other government agencies and local communities, IDHS has and will continue to identify communities at risk, especially from the major hazards affecting Indiana. These hazards include Floods, Winter Storms, Tornadoes and Windstorms, and Earthquakes. IDHS will evaluate the hazards against the objectives outlined in this plan, and then prioritize specific community projects for potential FEMA HMGP, FMA, and PDM funding.
- **Education of Emergency Management Professionals, Related Disciplines, and Community Officials** – Two important components exist to educate other interested professionals. The first is to use this plan and other state and federal emergency management resources as teaching tools to illustrate the State's immediate and long-term hazard mitigation goals, and to demonstrate the function and value of other disciplines to the overall success

of the state and federal hazard mitigation program. This will help to open the doors of communication and interaction between all levels of government and throughout all agencies.

The other component, which is provided for in the projects that follow, is education of emergency and other related professionals in the “how to” of learning to use the tools of the trade available for mitigation planning and implementation (i.e. HAZUS-MH, E-grants, ArcGIS, federal and state environmental review process). This also includes education on what informational resources are available and where they can be found.

- **Education of Non-Government Professionals and General Public** – To effectively implement hazard mitigation principles and regulations in the community, it is crucial to educate and enlist the support of the private sector, such as contractors, insurance agents, and retail. They provide a valuable direct link to citizens and can be instrumental in disseminating information and offering choices to help prepare and provide for public safety during disasters. By involving the private sector in mitigation activities, this will further the goals of building more disaster resistant communities.
- **Promotion of Legislation Supporting Goals of Mitigation and Promotion of Compliance of Regulations within Communities** - Recently, Indiana has established the Indiana State Hazard Mitigation Council and revised private and commercial building code regulations. IDHS is involved in promoting these actions. Both of these will be instrumental in minimizing the impact of disasters on people and communities, even to the point of saving lives. It is critical that communities and the private sector are informed and compliant with the new regulations. Since Indiana is a “home rule” state, this presents some formidable challenges. An important strategy for IDHS is creating an understanding within communities of these new regulations, to assure that the logic of their compliance is indisputable.

It is evident that planning, education and cooperation are overwhelmingly important to the success of hazard mitigation programs in the State. These activities form the foundation for HMGP, FMA, and Pre-Disaster Mitigation in communities, which in the end help to produce self-sufficiency for communities and their citizens in coping with disasters.

An extremely effective method of developing community self-sufficiency exists in the FEMA-funded, State-managed Hazard Mitigation Grant program - the acquisition, elevation, or relocation of private residences, commercial structures, and critical facilities out of the floodplain. The local jurisdiction's acquisition or relocation of structures turns land back into open space forever. When floods come to those locations, there is no adverse impact to people or the community. IDHS's priority is to encourage increased participation in this program throughout the state.

For the other major hazards affecting the State – winter storms, tornadoes and windstorms, earthquakes, and man-made hazards - Federal and State mitigation funds are instrumental in protecting infrastructure especially with such projects as overhead/underground conversion of electrical lines, enlarging culverts and bridges, shoring up sewerage systems, and retrofitting essential facilities in the community.

Indiana Mitigation's goal is to use the success of these programs and partner them with education and cooperation to increase the awareness of mitigation measures in communities and the minds of its citizens. Furthermore, IDHS is working to show the importance of mitigation projects and planning in improving and protecting individuals, families and local communities from the hazards that impact them where they live and work.

1.0 PREREQUISITES

1.1 Plan Adoption

This State of Indiana Hazard Mitigation Plan meets the requirements of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended). Additionally, this plan meets the minimum planning requirements under 44 Code of Federal Regulations, Part 78 (Flood Mitigation Assistance).

It is intended that this plan also meet the requirements of the Disaster Mitigation Act of 2000 (DMA2K), Section 322. Section 322 of the Act requires that States, as a condition of receiving federal disaster mitigation funds, have a mitigation plan in place that describes the planning process for identifying hazards, risk and vulnerabilities, identifies and prioritizes mitigation actions, encourages the development of local mitigation and provides technical support for these efforts. In addition, the Act requires local and tribal governments to also have mitigation plans.

The development and implementation of this plan will be carried out in accordance with the following State regulations/statutes:

Section 106 Review Historic Preservation and Archaeology – Indiana Code 14-21-1, Articles 19-21 -- Indiana Department of Natural Resources, SHPO, “Summary of the Key Steps for Carrying Out the Section 106 Review Process in Indiana (updated as of 6/19/00)”.

IC 10-4-1-2: Section 2. (a) “Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from man-made or natural causes, and in order to ensure that preparations of this state will be adequate to deal with such disasters or emergencies, when unpreventable, to prevent or mitigate these disasters where possible, generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary (to):”

- a. Establish state and local emergency management programs.
- b. Authorize and provide for cooperation between departments of government in disaster prevention, preparedness, response and recovery.
- c. Provide a disaster management system embodying all aspects of pre-disaster preparedness, disaster operation and post-disaster response.

Indiana Governor's Executive Orders

On January 10, 2005, Governor Daniels signed **Executive Order 05-09** Establishing and clarifying duties of state agencies for all matters relating to emergency management

“...under the provisions of IC 10-14-3, the Emergency Management and Disaster Law, the Governor is charged with the responsibility for ensuring that a comprehensive emergency management program exists that addresses all aspects of emergency and disaster mitigation, preparedness, response, and recovery;”

- Designated the Director of the Indiana Department of Homeland Security as the State Coordinating Officer for the for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery in this State, and in all matters relating to the Federal Emergency Management Agency.
- Re-established and continued the Emergency Management Advisory Group and the Indiana State Mitigation Council.

This executive order superseded 03-34 enacted by the previous administration.

Indiana's Floodplain Ordinance IC14-28

Flood Control – Indiana Code, Section 14, Article 28

Indiana Administrative Code Title 312, Department of Natural Resources – Flood Plain Management

- Restricts the development of an area designated as the 100-year floodplain. Substantial improvements to structures within the floodplain shall be in conformance with 44 CFR Part 60 January 1, 1993. (See Appendix 1)

- Restricts reconstruction of substantially damaged structures, unless damaged by a hazard other than flooding.

- Prohibits new residential development or substantial improvements to existing homes, and restricts reconstruction of flood damaged homes in the designated floodway. Additionally, the state ordinance defines the floodway as more restrictive than the Federal law.

- Designates the Indiana Department of Natural Resources as the permitting agency for floodplain development and for the enforcement of the floodplain regulations. Tasks DNR to establish permit requirements. (See Title 312 Article 10 -- Appendix 1)

Local Regulations

Floodplain Ordinances -- Designates acceptable uses for the areas designated as within the floodway and flood fringe. Places restrictions on types of construction and its impact on the flood level within the floodplain. (Model Local Ordinance is current under review and revision.)

Zoning and Land Use Requirements -- restricts types of construction within the floodplain by use of zoning and land use planning.

Community's Master Plan -- Adoption of a plan for the overall development, redevelopment, and land use of the community. Designate areas within the floodplain for acquisition and use as green way, park, wetlands/wildlife protection, etc.

The Plan was prepared by Indiana Department of Homeland Security, with the assistance of the Indiana State Hazard Mitigation Council and the Indiana Silver Jackets Team, who utilized input from county and local officials following disaster events. This plan was approved by the Federal Emergency Management Agency (FEMA) Mitigation Division on April 23, 2008.

A copy of the final plan will be provided to each agency that has a role in implementing the plan.

The Department of Homeland Security shall be responsible for the coordination, the preparation, and continuous updating of the All Hazard Mitigation Plan and will ensure that this plan is consistent with federal, county, and municipal plans.

The All Hazard Mitigation Plan has been adopted by the State of Indiana under the executive powers of the Governor, as indicated in the following proclamation.

Appendix I contains copies of the authorizing legislation and state statutes which authorize, enable or compel this plan or the State of Indiana's Mitigation Program.



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Mitchell E. Daniels, Jr.
Governor

Adoption of the 2008 State of Indiana Standard Hazard Mitigation Plan

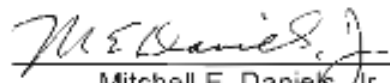
The primary role of the government is to provide for the welfare of its citizens. The welfare of Indiana citizens is never more threatened than during disasters. In the management of disaster emergencies, the goal is to provide for mitigation, preparedness, response and recovery actions that ensure that the public welfare is restored and preserved.

The 2008 State of Indiana Standard Hazard Mitigation Plan is an integral component of the emergency management effort. The State of Indiana Standard Hazard Mitigation Plan provides a comprehensive framework for statewide disaster mitigation. It identifies the risks and vulnerabilities of the state to multiple hazards and establishes goals and strategies to address those risks and vulnerabilities.

All departments of the state government cooperate with the Indiana Department of Homeland Security in the planning process, thereby providing an effective framework for the implementation of the identified strategies. State departments have demonstrated repeatedly that they can work together to achieve the common goal of disaster mitigation in a effort to reduce the risks and vulnerabilities to natural disasters faced by our state.

The State of Indiana Standard Hazard Mitigation Plan ensures consistency with current policy guidance and describes the interrelationship with between the Indiana Department of Homeland Security and other levels of government. The plan will continue to evolve, reflecting lessons learned from actual experiences in disasters and ongoing state disaster planning. The plan will be constantly reviewed and updated to reflect the changes in federal and state laws and mitigation opportunities within the State of Indiana. I am confident that it will serve as an excellent foundation for improving coordination and strengthening relationships among all of our partners at the state, federal, local government levels and in the private sector.

Therefore, in recognition of the emergency management responsibilities of State government and pursuant to the authority vested in me as the Governor of the State of Indiana, I do hereby adopt the 2008 State of Indiana Standard Hazard Mitigation Plan.



Mitchell E. Daniels, Jr., Governor
State of Indiana

4/22/08
Date

1.2 Assurances/Federal Regulations

The State of Indiana will continue to comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44CFR Section 13.11(c). The State will amend its plan whenever necessary to reflect the changes in State or Federal laws and statutes as required in 44CFR Section 13.11(d). Additionally, any recipients of the federal grant funds will comply the same.

Robert T. Stafford Disaster Relief and Emergency Assistance Act as Amended

- Section 404 -- provides for funding for mitigation projects which are cost-effective and which “substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster.”
- Section 409 -- “as a further condition of any loan or grant made under the provisions of this Act, the State or local government shall agree that...” a. Natural hazards shall be identified b. Appropriate actions shall be taken to mitigate such hazards, including safe land-use and construction practices.
- Section 406(e)(1) -- The cost of repairing, restoring, reconstructing or replacing a public facility or nonprofit facility as it existed immediately prior to the disaster and conformity with current codes, specifications and standards of floodplain management and hazard mitigation criteria shall “at a minimum, be treated as the net eligible cost” of such repair or replacement.

National Flood Insurance Reform Act 1994

- Section 554 -- Established the National Flood Mitigation Fund that provides funds not to exceed \$20 million for flood mitigation projects.
- Provides funding for Mitigation Planning projects to states and local jurisdictions.

National Flood Insurance Reform Act of 2004

- The Repetitive Flood Claims (RFC) grant program was authorized by the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108–264), which amended the National Flood Insurance Act (NFIA) of 1968 (42 U.S.C. 4001, et al).
- Up to \$10 million is available annually for FEMA to provide RFC funds to assist States and communities reduce flood damages to insured properties that have had one or more claims to the National Flood Insurance Program.

Eligibility

- Benefit/cost analysis criteria 44 CFR 206.434(b)(5)
- Eligibility & selection criteria 44 CFR 206.434(b)
- Planning Requirement criteria 44 CFR 206.434(b)(3)

Environmental

- 44 CFR Part 10 – National Environmental Policy Act
- 44 CFR Part 9 – Executive Order 11988 (floodplain management) and Executive Order 11990 (protection of wetlands).
- National Historic Preservation Act of 1966, as amended, Section 106 (see also Indiana SHPO guidance listed under State Regulations).
- Endangered Species Act
- Executive Order 12699 – Seismic safety.
- Executive Order 12898 – Environmental justice
- FEMA's NEPA review process is outlined in Job Aid 8-1.
- Roles of applicants and State in support of FEMA's environmental review – 44 CFR 10.7(c), Job Aid 8-2
- List of Categorical Exclusions – Job Aid 8-3.
- Extraordinary environmental circumstances that may trigger further review – 44 CFR 10.8.
- Coordinating with other agencies – 44 CFR 10.9(c), 10.10, and Council on Environmental Quality 40 CFR Parts 1500-1508.
- Clean Water Act
- National Environmental Policy Act

National Flood Insurance Program (NFIP)

- National Flood Insurance Program – 44 CFR Chapter B, Parts 59-79
- Community Rating System – 44 CFR (B), Part 64

Grants Management

- HMGP grants management procedures 44 CFR pt. 13
- 44 CFR Part 13 Uniform administrative requirements for grants and cooperative agreements to state and local governments.
- 44 CFR Part 14 Administration of grants: Audits of State and local governments.
- 44 CFR Part 17 Government-wide debarment and suspension (non-procurement) and government-wide requirements for drug-free workplace (grants).
- 44 CFR Part 18 New restrictions on lobbying
- 44 CFR Subchapter B – Insurance and Hazard Mitigation
- 44 CFR Subchapter C – Fire Prevention and Control
- 44 CFR Subchapter D – Disaster Assistance
- 44 CFR Part 7 – Nondiscrimination in Federally-assisted programs.

To the extent the following provisions apply to the award of assistance:

Recipient possesses legal authority to enter into agreements, and to execute the proposed programs.

Recipient's governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the execution of hazard mitigation agreements, including all understandings and assurances contained therein, and directing and authorizing the Recipient's chief administrative officer or designee to act in connection with any application and to provide such additional information as may be required.

No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of any agreement or to any benefit to arise from the same. No member, officer, or employee of the Recipient or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this plan. The Recipient shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose state above.

All Recipient contracts for which the State Legislature is in any part a funding source, shall contain language to provide for termination with reasonable costs to be paid by the Recipient for eligible contract work completed prior to the date the notice of suspension of funding was received by the Recipient. Any cost incurred after a notice of suspension or termination is received by the Recipient may not be funded with funds provided under a grant agreement unless previously approved in writing by the Department. All Recipient contracts shall contain provisions for termination for cause or convenience and shall provide for the method of payment in such event.

Recipient will comply with:

- (1) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327 et seq., requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work week; and
- (2) Federal Fair Labor Standards Act, 29 U.S.C. Section 201 et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work-week.

Recipient will comply with:

(1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and the regulations issued pursuant thereto, which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Recipient, this assurance shall obligate the Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;

(2) Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, as amended (42 U.S.C.: 6101-6107) which prohibits discrimination on the basis of age or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973;

(3) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto, which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal or federally assisted construction contracts; affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination, rates of pay or other forms of compensation; and election for training and apprenticeship.

The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), where applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

Recipient will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties pursuant to Section 112.313 and Section 112.3135, FS.

Recipient will comply with the Anti-Kickback Act of 1986, 41 U.S.C. Section 51 which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities.

Recipient will comply with the provisions of 18 USC 594, 598, 600-605 (further known as the Hatch Act) which limits the political activities of employees.

Recipient will comply with the flood insurance purchase and other requirements of the Flood Disaster Protection Act of 1973 as amended, 42 USC 4002-4107, including requirements regarding the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

Recipient will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under a grant agreement to comply with the "Uniform Federal Accessibility Standards," (AS) which is Appendix A to 41 CFR Section 101-19.6 for general type buildings and Appendix A to 24 CFR Part 40 for residential structures. The Recipient will be responsible for conducting inspections to ensure compliance with these specifications by the contractor;

Recipient will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (U.S.C. 470), Executive Order 11593, 24 CFR Part 800, and the Preservation of Archaeological and Historical Data Act of 1966 (16 U.S.C. 469a-1, et seq.) by:

- (1) Consulting with the State Historic Preservation Office to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Section 800.8) by the proposed activity; and

- (2) Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.

- (3) Notifying FEMA and the state if any project may affect a historic property. When any of Recipient's projects funded under a grant agreement may affect a historic property, as defined in 36 CFR 800.2(e), the Federal Emergency Management Agency (FEMA) may require Recipient to review the eligible scope of work in consultation with the State Historic Preservation Office (SHPO) and suggest methods of repair or construction that will conform with the recommended approaches set out in the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings 1992 (Standards), the Secretary of the Interior's Guidelines for Archeological Documentation (Guidelines) (48 Federal Register 44734-37), or any other applicable Secretary of Interior

standards. If FEMA determines that the eligible scope of work will not conform with the Standards, Recipient agrees to participate in consultations to develop, and, after execution by all parties, to abide by, a written agreement that establishes mitigation and recondition measures, including but not limited to, impacts to archeological sites, and the salvage, storage, and reuse of any significant architectural features that may otherwise be demolished.

(4) Notifying FEMA and the state if any project funded under a grant agreement will involve ground disturbing activities, including, but not limited to: subsurface disturbance; removal of trees; excavation for footings and foundations; and installation of utilities (such as water, sewer, storm drains, electrical, gas, leach lines and septic tanks) except where these activities are restricted solely to areas previously disturbed by the installation, replacement or maintenance of such utilities. FEMA will request the State Historic Preservation Officer's (SHPO) opinion on the potential that archeological properties may be present and be affected by such activities. The SHPO will advise Recipient on any feasible steps to be accomplished to avoid any National Register eligible archeological property or will make recommendations for the development of a treatment plan for the recovery of archeological data from the property.

If Recipient is unable to avoid the archeological property, it will develop, in consultation with the SHPO, a treatment plan consistent with the Guidelines and take into account the Advisory Council on Historic Preservation (Council) publication "Treatment of Archeological Properties". Recipient shall forward information regarding the treatment plan to FEMA, the SHPO and the Council for review. If the SHPO and the Council do not object within 15 calendar days of receipt of the treatment plan, FEMA may direct Recipient to implement the treatment plan. If either the Council or the SHPO object, Recipient shall not proceed with the project until the objection is resolved.

(5) Notifying the state and FEMA as soon as practicable: (a) of any changes in the approved scope of work for a National Register eligible or listed property; (b) of all changes to a project that may result in a supplemental DSR or modify an HMGP project for a National Register eligible or listed property; (c) if it appears that a project funded under a grant agreement will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner. Recipient acknowledges that FEMA may require Recipient to stop construction in the vicinity of the discovery of a previously unidentified property that may be eligible for inclusion in the National Register or upon learning that construction may affect a known historic property in an unanticipated manner. Recipient further acknowledges that FEMA may require Recipient to take all reasonable

measures to avoid or minimize harm to such property until FEMA concludes consultation with the SHPO. Recipient also acknowledges that FEMA will require, and Recipient shall comply with, modifications to the project scope of work necessary to implement recommendations to address the project and the property. (7) Acknowledging that, unless FEMA specifically stipulates otherwise, it shall not receive funding for projects when, with intent to avoid the requirements of the PA or the NHPA, Recipient intentionally and significantly adversely affects a historic property, or having the legal power to prevent it, allowed such significant adverse affect to occur.

With respect to demolition activities, recipient will:

1. Create and make available documentation sufficient to demonstrate that the recipient and its demolition contractor have sufficient manpower and equipment to comply with the obligations as outlined in a grant agreement.
2. Return the property to its natural state as though no improvements had ever been contained thereon.
3. Furnish documentation of all qualified personnel, licenses and all equipment necessary to inspect buildings located in Recipient's jurisdiction to detect the presence of asbestos and lead in accordance with requirements of the U.S. environmental Protection Agency, the Indiana Department of Environmental Management and the County Health Department.
4. Provide documentation of the inspection results for each structure to indicate:
 - a. Safety Hazards Present
 - b. Health Hazards Present
 - c. Hazardous Materials Present
5. Provide supervision over contractors or employees employed by Recipient to remove asbestos and lead from demolished or otherwise applicable structures.
6. Leave the demolished site clean, level and free of debris.
7. Notify the Department promptly of any unusual existing condition which hampers the contractors work.
8. Obtain all required permits.
9. Provide addresses and marked maps for each site where water wells and septic tanks are to be closed along with the number of wells and septic tanks located on each site. Provide documentation of closures.
10. Comply with all applicable standards, orders, or requirements issued under the Clean Air Act and the Clean Water Act U.S. Environmental Protection Agency regulations (40 CFR Part 15 and 61). This clause shall be added to any subcontracts.
11. Provide documentation of public notices for demolition activities.